



Senate

General Assembly

File No. 165

January Session, 2011

Substitute Senate Bill No. 984

Senate, March 23, 2011

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE ENHANCEMENT OF SERVICES AT THE LABOR DEPARTMENT AND THE USE OF CRIMINAL RECORDS FOR TEMPORARY EMPLOYEES OFFERED PERMANENT EMPLOYMENT BY AN EMPLOYER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) On or before January 1, 2012, the
2 Labor Commissioner shall submit a report, in accordance with the
3 provisions of section 11-4a of the general statutes, to the Governor and
4 the joint standing committee of the General Assembly having
5 cognizance of matters related to labor. Such report shall include, but is
6 not limited to, recommendations for enhancing or creating efficiencies
7 in the services provided by the Labor Department. Such report shall
8 also include recommendations for administrative or legislation action
9 related to the areas of workforce development, employment
10 regulation, labor organizations, boards of mediation and arbitration,
11 the National Labor Relations Act, labor disputes, personnel files,
12 private employment agencies, employment of the handicapped,

13 unemployment compensation, the Full Employment Act, and the
14 Occupational Safety and Health Act.

15 Sec. 2. Subsection (b) of section 31-51i of the general statutes is
16 repealed and the following is substituted in lieu thereof (*Effective*
17 *October 1, 2011*):

18 (b) (1) No employer or an employer's agent, representative or
19 designee may require an employee or prospective employee to disclose
20 the existence of any arrest, criminal charge or conviction, the records of
21 which have been erased pursuant to section 46b-146, 54-76o or 54-142a.

22 (2) No employer or an employer's agent, representative or designee
23 may require an individual providing services to such employer as a
24 temporary employee for a period of at least one calendar year, and to
25 whom such employer is offering permanent employment, to disclose
26 the existence of any arrest, criminal charge or conviction, or request
27 such employee submit to a criminal background check unless such
28 criminal background check is required by law for the position being
29 offered.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2011</i>	31-51i(b)

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

There is no fiscal impact to the Department of Labor to develop the report required by **Section 1** of the bill.

Section 2, which prohibits employers from requiring certain temporary employees to submit to a criminal background check, results in no state or municipal fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 984*****AN ACT CONCERNING THE ENHANCEMENT OF SERVICES AT THE LABOR DEPARTMENT AND THE USE OF CRIMINAL RECORDS FOR TEMPORARY EMPLOYEES OFFERED PERMANENT EMPLOYMENT BY AN EMPLOYER.*****SUMMARY:**

This bill prohibits an employer, or an employer's agent, representative, or designee, from requiring a prospective employee to disclose his or her criminal history or submit to a criminal background check, if the prospective employee has provided at least one calendar year of service as a temporary employee to the employer. The bill does not apply to positions that require a criminal background check by law.

The bill also requires the labor commissioner, by January 1, 2012, to submit a report to the governor and Labor Committee recommending ways to improve labor department services. The report must recommend administrative or legislative action regarding workforce development, employment regulation, labor organizations, boards of mediation and arbitration, the National Labor Relations Act, labor disputes, personnel files, private employment agencies, employment of the handicapped, unemployment compensation, the Full Employment Act, and occupational safety and health.

EFFECTIVE DATE: October 1, 2011, except for the section on the labor commissioner's report, which is effective upon passage.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 6 Nay 4 (03/11/2011)